

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:18-cv-00029 (H)(KS)

EGLÈ VAITKUVIENĖ, Individually  
and on Behalf of All Others Similarly  
Situated,

Plaintiff,

v.

SYNEOS HEALTH, INC., ALISTAIR  
MACDONALD, GREGORY S. RUSH,  
MICHAEL BELL, ROBERT  
BRECKON, DAVID F.  
BURGSTAHLER, LINDA S. HARTY,  
RICHARD N. KENDER, WILLIAM E.  
KLITGAARD, KENNETH F.  
MEYERS, MATTHEW E.  
MONAGHAN, DAVID Y. NORTON,  
and ERIC P. PÂQUES,

Defendants.

**MOTION TO DISMISS PLAINTIFFS'  
AMENDED COMPLAINT**

**ORAL ARGUMENT REQUESTED**

NOW COME Defendants Syneos Health, Inc., Alistair MacDonald, Gregory S. Rush, Michael Bell, Robert Breckon, David F. Burgstahler, Linda S. Harty, Richard N. Kender, William E. Klitgaard, Kenneth F. Meyers, Matthew E. Monaghan, David Y. Norton, and Eric P. Pâques (collectively, "Defendants"), by and through undersigned counsel, and pursuant to Rules 9(b), 12(b)(1), and 12(b)(6) of the Federal Rules of Civil Procedure, as well as the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §§ 78u-4, 78u-5, and hereby move the Court to dismiss Plaintiffs' Amended Complaint (Dkt. No. 35) with prejudice. The grounds for this motion, among other things, are that Plaintiffs fail to plead with particularity an actionable misstatement or omission, fail to plead the required state of mind, fail to allege loss causation, and fail to establish

their standing to sue or to state a claim upon which relief may be granted. Defendants rely on further grounds contained in their Memorandum of Law and the appendices and exhibits thereto, which are submitted herewith and incorporated by reference. Defendants respectfully request oral argument.

WHEREFORE, Defendants respectfully request that the Court enter an Order dismissing all of Plaintiffs' claims against them with prejudice.

This the 20<sup>th</sup> day of September, 2018.

WYRICK ROBBINS YATES & PONTON LLP

By: /s/ Lee M. Whitman

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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on this day a copy of the foregoing document was filed with the Court's CM/ECF system which served the same on all parties of record.

This the 20<sup>th</sup> day of September, 2018.

/s/ Lee M. Whitman

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Lee M. Whitman